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6 **UNITED STATES BANKRUPTCY COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
8 **SACRAMENTO DIVISION**

9  
10 In re:

11 **MICHAEL LIM and**  
12 **MYONG C. LIM,**

13 Debtors.

Case No. 09-46973-A-7

DCN: MFB – 2

DATE: April 12, 2010

TIME: 9:00 A.M.

DEPT: A

COURTROOM: 28 (7<sup>th</sup> Floor)

14 **TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE**  
15 **(11 U.S.C. §363)**

16 The undersigned, Michael F. Burkart, the Court-appointed Trustee in the above-referenced  
17 case, hereby requests that this Court approve the sale of the Bankruptcy Estate's interest in a 2003  
18 Mercedes Benz E-320, Motor Vehicle, VIN #WDBUF65J93A169323, California License No.  
19 ML88ML, (the "Vehicle"), and respectfully represents the following:

20 1. The Debtor filed a voluntary Chapter 7 Petition on December 9, 2009, and an Order for  
21 Relief was entered thereon. The undersigned, Michael F. Burkart, was appointed as Interim Trustee  
22 on or about December 10, 2009, and continues to serve in that capacity.

23 2. The first §341(a) Meeting of Creditors and Debtors' Examination was conducted on  
24 January 6, 2010, and continued on two occasions, pending receipt of additional documents and  
25 information as requested by the Trustee.

26 3. The Debtors listed the Vehicle in their Schedule "B", filed on December 9, 2010, as  
having a market value of \$7,000.00 with no secured indebtedness outstanding.

4. In the Debtors' last Amended Schedule C, filed on March 10, 2010, the Debtors claimed no monetary exemption pertaining to the Vehicle.

5. After taking possession of the Vehicle, the Trustee asserts that Vehicle appears to be in good condition with 74,100 miles on its odometer. The tires on the Vehicle are worn approximately 65%.

6. The Court has jurisdiction over the current motion under 28 U.S.C. sections 1334 and 157(a). This Motion is a core proceeding under 28 U.S.C. section 157(b)(2)(N).

7. The Trustee has received an offer from Alan John McMurry, dba AJM Company, to purchase the Vehicle in an “as-is” condition for \$8,000.00 cash. Purchase funds are to be tendered to the Trustee within twenty-four (24) hours upon entry of the Court Order authorizing the proposed sale.

8. The undersigned Trustee is requesting authority to pay all costs to obtain a smog check and smog certificate and any other repairs attendant to the sale of the Vehicle.

9. The undersigned Trustee believes that the immediate liquidation of the Vehicle is in the best interest of the Bankruptcy Estate. This proposed sale would also alleviate some of the typical costs incurred with the sale of a vehicle (i.e., auctioneer's commission, etc.). Therefore, the Trustee requests approval of this Court to sell the Vehicle in the amount of \$8,000.00 subject to any potential overbids submitted at the Court hearing.

10. At the Court hearing, the Trustee shall request that the Court entertain overbids in minimum increments of \$200.00. Therefore, the minimum overbid will commence at \$8,200.00.

WHEREFORE, the undersigned Trustee respectfully requests that this Court: 1) Approve the sale of the aforementioned Vehicle in the manner stated herein; 2) Authorize the Trustee to pay costs to obtain a smog check and smog certificate and any other repairs attendant to the sale of the Vehicle; and, 3) Authorize the Trustee to execute all documents necessary to complete the contemplated sale.

Respectfully submitted,

Dated: March 21, 2010

/s/ Michael F. Burkart  
Michael F. Burkart, Chapter 7 Trustee